THE CASAS LAW FIRM, P.C.
John V. Golaszewski, Esq.
1745 Broadway, 17th Floor
New York, New York
Telephone No.: (855) 267-4457
Facsimile No.: (855) 220-9626
Email: john@casaslawfirm.com

Joseph N. Casas, Esq. (CASB 225800)*
402 West Broadway, Suite No. 400
San Diego, CA 92101
E-Mail: joseph@casaslawfirm.com
**pro hac vice application to be filed*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IRINA VORONINA, CIELO JEAN GIBSON, TIFFANY TOTH, JAIME EDMONDSON, JESSICA BURCIAGA, SARA UNDERWOOD, CARMEN ELECTRA, JESSA HINTON, JOANNA KRUPA, JASMINE WALTZ, JESSICA KILLINGS, SANDRA VALENCIA, CARISSA ROSARIO, JENNIFER WALCOTT ARCHULETTA, MARIANNA DAVALOS, MERCEDES TERRELL, JORDAN CARVER, KATE SULLIVAN, LAURIE JACOBS, BRENDA GEIGER, BROOKE JOHNSON, CHANTEL ZALES, CORA SKINNER, DESSIE MITCHESON, LAURIE YOUNG, LINA POSADA, MEGAN DANIELS, RACHEL KOREN, VIDA GUERRA, MARKETA KAZDOVA, EVA PEPAJ, MELANIE IGLESIAS, GEMMA LEE FARRELL, ALYSSA NOBRIGA, HEATHER RAE YOUNG, JAMIE MIDDLETON, ROSA ACOSTA, PAOLO CANAS, BROOKE BANX, DANA HAMM, MASHA LUND, SHEENA LEE WEBER, URSULA MAYES, KARA MONACO, PIA MUEHLENBECK, SABELLA SHAKE, SARAH ELIZABETH BOWERS, KIM COZZENS, JESSE GOLDEN, and KRYSTAL FORSCUTT HIPWELL,

Plaintiffs,

-against-

Case No. 16-CV-2477 (LAK)

AMENDED COMPLAINT

(Jury Trial Demanded)

SCORES HOLDING COMPANY, INC., I.M.
OPERATING, LLC, d/b/a SCORES NEW YORK,
THE EXECUTIVE CLUB LLC, d/b/a
PENTHOUSE EXECUTIVE CLUB, and
ROBERT M. GANS,

Defendants.

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Plaintiffs IRINA VORONINA, CIELO JEAN GIBSON, TIFFANY TOTH, JAIME EDMONDSON, JESSICA BURCIAGA, SARA UNDERWOOD, CARMEN ELECTRA, JESSA HINTON, JOANNA KRUPA, JASMINE WALTZ, JESSICA KILLINGS, SANDRA VALENCIA, CARISSA ROSARIO, JENNIFER WALCOTT ARCHULETTA, MARIANNA DAVALOS, MERCEDES TERRELL, JORDAN CARVER, KATE SULLIVAN, LAURIE JACOBS, BRENDA GEIGER, BROOKE JOHNSON, CHANTEL ZALES, CORA SKINNER, DESSIE MITCHESON, LAURIE YOUNG, LINA POSADA, MEGAN DANIELS, RACHEL KOREN, VIDA GUERRA, MARKETA KAZDOVA, EVA PEPAJ, MELANIE IGLESIAS, GEMMA LEE FARRELL, ALYSSA NOBRIGA, HEATHER RAE YOUNG, JAMIE MIDDLETON, ROSA ACOSTA, PAOLO CANAS, BROOKE BANX, DANA HAMM, MASHA LUND, SHEENA LEE WEBER, URSULA MAYES, KARA MONACO, PIA MUEHLENBECK, SABELLA SHAKE, SARAH ELIZABETH BOWERS, KIM COZZENS, JESSE GOLDEN, and KRYSTAL FORSCUTT HIPWELL, (collectively, “Plaintiffs”), by and through their undersigned counsel, as and for their Amended Complaint (“Complaint”) against defendants SCORES HOLDING COMPANY, INC., I.M. OPERATING, LLC, d/b/a SCORES NEW YORK, THE EXECUTIVE CLUB LLC, d/b/a PENTHOUSE EXECUTIVE CLUB, ROBERT M. GANS (collectively, “Defendants”), respectfully allege as follows:

BACKGROUND

1. This is an action for damages and injunctive relief relating to Defendants' scheme to misappropriate, alter, and publish sexually suggestive images of Plaintiffs -- each of whom are professional models and/or actresses -- in order to promote sixteen (16) Scores strip clubs located in New York and elsewhere throughout the United States (the "Scores Club(s)"), and the Penthouse Executive strip club in Manhattan, New York (the "Penthouse Club"; collectively, with the Scores Clubs, the "Clubs").

2. Defendants theft and unauthorized use of Plaintiffs' images and likenesses (collectively, "Images") constitutes, at minimum: a) violation of section 43 of the Lanham Act, 28 U.S.C. § 1125(a)(1), prohibiting false or misleading use of a person's image for purposes of advertising; b) violation of New York Civil Rights Law §§ 50-51, which protects a person's right to privacy and publicity; c) violation of New York's Deceptive Trade Practices Act (New York G.B.L. §349) which prohibits deceptive business practices; and, d) defamation.

3. As set forth herein, Defendant Scores Holding Company, Inc. ("Scores Holding") has instituted a corporate policy of misappropriation, alteration, and publication of Images of each Plaintiff for the purpose of promoting the Scores Clubs, and the Scores brand, throughout the United States. These policies and procedures have been implemented and effectuated by the Scores Clubs throughout the United States, or the Penthouse Club.

4. Defendants' interconnected advertising, branding, internet and social media presence and strategy is made clear, primarily, by the fact that each of the Scores Clubs are advertised on the Scores Holding website, located at www.scoresholding.com (the "Scores Holding Website"). A true and correct copy of the Scores Holding Website's list of Scores Clubs, nationwide, which advertise together, is annexed hereto as Exhibit "A".

5. Moreover, Scores Holding makes explicit on its website that it is responsible for the creation, direction, and implementation of the social media campaigns for all of the Scores Clubs, and that on their behalf it will institute:

> [A]n aggressive social media campaign for Twitter, Facebook, Instagram, etc. We will optimize your posts and make sure that your social media will be constantly updated and growing to all time highs. We have come up with a winning strategy that will take your social media to the next level.

See Exhibit "B", for the Scores Holding Website Development and Social Media Campaign Strategy Information, as set forth on the Scores Holding Website.

6. As discussed in detail below, Scores Holding's so-called "aggressive social media campaign" and "winning strategy" consisted of misappropriating, altering, and publishing the Images of Plaintiffs, who are professional, world renowned, and extremely well compensated models and/or actresses, who collectively have tens of millions of social media followers and impressions, in order to promote the Clubs.

7. Indeed, further evidence of the implementation of Scores Holding's "winning strategy" by and among the Scores Clubs is the fact that, as detailed below, many of the Plaintiffs' Images were used by multiple Scores Clubs and/or the Penthouse Club.

8. For example, misappropriated Images of Plaintiff Irina Voronina, a world famous model and actress with more than four (4) million social media followers,[1] were published on the social media accounts for six (6) different Scores Clubs: Scores New York, Scores Atlantic City, Scores North Carolina, Scores Jacksonville, Scores Detroit, and The Trophy Club, in Greenville, South Carolina. Likewise, stolen Images of Plaintiff Tiffany Toth, a world famous model with over three (3) million social media followers, were also published on the social media accounts

[1] In the modeling industry, the number of social media followers a model has is a strong indication of her popularity and, thus, earning potential.

for six (6) different Scores Clubs: Scores Columbus, Scores Baltimore, Scores Indiana, Scores Detroit, Scores Columbus, and Scores Palm Beach.

9. These two Plaintiffs alone -- and this Complaint names fifty (50) Plaintiffs in total -- implicate ten (10) of the sixteen (16) Clubs as participating in the scheme, instituted by Scores Holding, of misappropriating Plaintiffs' Images, and publishing them, without consent, on the Clubs social media accounts in order to promote the Clubs.

10. The Clubs' sharing of Images provides additional support for Plaintiffs' claims that the Clubs have implemented a company-wide policy and strategy of misappropriation, which was instituted by Scores Holding. As such, the Clubs can be said to operate as a single enterprise engaged in, *inter alia*, the theft of Plaintiffs' Images for the purpose of advertising each Scores Club, promoting the Scores brand, and earning revenue for Defendants.

11. In addition to the actual, punitive and exemplary damages set forth below, Plaintiffs likewise seek an Order from this Court permanently enjoining Defendants from using Plaintiffs' Images to promote any of the Scores Clubs, via any medium.

JURISDICTION & VENUE

12. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiffs' have stated claims under, *inter alia*, the Lanham Act, 28 U.S.C. § 1125(a)(1).

13. As set forth immediately below, Plaintiffs are, and at all times relevant to this action have been, professional models who reside in one of seven (7) states throughout the United States, or Australia.

14. According to publicly available records, Defendant Scores Holding is a Utah corporation, which is registered to do business in New York, and has a principal place of business in New York County, New York. Defendant I.M. Operating, LLC ("I.M. Operating"),

d/b/a Scores New York, is a New York limited liability company with a principal place of business in New York County, New York. Defendant The Executive Club LLC ("The Executive Club") d/b/a Penthouse Executive Club, is a New York limited liability company with principal places of business in New York County, New York.

15. Venue is proper in the United States District Court for the Southern District of New York because New York County is the principal place of business for Scores Holding, I.M. Operating, and The Executive Club.

16. All parties have minimum contacts with New York County, a significant portion of the alleged causes of action arose and accrued in New York County, New York, and the center of gravity for a significant portion of all relevant events alleged in this complaint is predominately located in New York County.

PARTIES

Plaintiffs

17. Plaintiff Irina Voronina ("Voronina") is a well known professional model, and a resident of Los Angeles County, California.

18. Plaintiff Cielo Jean Gibson ("Gibson") is a well known professional model, and a resident of Los Angeles County, California.

19. Plaintiff Tiffany Toth ("Toth") is a well known professional model, and a resident of Orange County, California.

20. Plaintiff Jaime Edmondson ("Edmondson") is a well known professional model, and a resident of Pinellas County, Florida.

21. Plaintiff Jessica Burciaga ("Burciaga") is a well known professional model, and a resident of Los Angeles County, California.

22. Plaintiff Carmen Electra ("Electra") is a well known professional actress, singer, and model, and a resident of Los Angeles County, California.

23. Plaintiff Sara Underwood ("Underwood") is a well known professional model, and a resident of Columbia County, Oregon.

24. Plaintiff Jessa Hinton ("Hinton") is a well known professional model, and a resident of Los Angeles County, California.

25. Plaintiff Joanna Krupa ("Krupa") is a well known professional model, and a resident of Los Angeles County, California.

26. Plaintiff Jasmine Waltz ("Waltz") is a well known professional model, and a resident of Los Angeles County, California.

27. Plaintiff Jessica Killings ("Killings") is a well known professional model, and a resident of Los Angeles County, California.

28. Plaintiff Sandra Valencia ("Valencia") is a well known professional model, and a resident of Los Angeles County, California.

29. Plaintiff Carissa Rosario ("Rosario") is a well known professional model, and a resident of Los Angeles County, California.

30. Plaintiff Jennifer Walcott Archuleta ("Archuletta") is a well known professional model, and a resident of Maricopa County, Arizona.

31. Plaintiff Mariana Davalos ("Mariana Davalos") is a well known professional model and a resident of Los Angeles County, California.

32. Plaintiff Mercedes Terrell ("Terrell") is a well known professional model, and a resident of Clark County, Nevada.

33. Plaintiff Jordan Carver ("Carver") is a well known professional model, and a

resident of Clark County, Nevada.

34. Plaintiff Kate Sullivan ("Sullivan") is a well known professional model, and a resident of Orange County, California.

35. Plaintiff Laurie Fetter Jacobs ("Jacobs") is a well known professional model, and a resident of Westchester County, New York.

36. Plaintiff Brenda Lynn Geiger ("Geiger") is a well known professional model, and a resident of Onondaga County, New York.

37. Plaintiff Brooke Johnson ("Johnson") is a well known professional model, and a resident of Santa Barbara County, California.

38. Plaintiff Chantel Zales ("Zales") is a well known professional model, and a resident of Orange County, California.

39. Plaintiff Cora Skinner ("Skinner") is a well known professional model, and a resident of Los Angeles County, California.

40. Plaintiff Dessie Mitcheson ("Mitcheson") is a well known professional model, and a resident of Orange County, California.

41. Plaintiff Laurie Young ("Laurie Young") is a well known professional model, and a resident of Orange County, California.

42. Plaintiff Lina Posada ("Posada") is a well known professional model, and a resident of Los Angeles County, California.

43. Plaintiff Megan Daniels ("Daniels") is a well known professional model, and a resident of Santa Clara County, California.

44. Plaintiff Rachel Koren ("Koren") is a well known professional model, and a resident of Los Angeles County, California.

45. Plaintiff Vida Guerra ("Guerra") is a well known professional model, and a resident of Los Angeles County, California.

46. Plaintiff Marketa Kazdova ("Kazdova") is a well known professional model, and a resident of Los Angeles County, California.

47. Plaintiff Eva Pepaj ("Pepaj") is a well known professional model, and a resident of Los Angeles County, California.

48. Plaintiff Melanie Iglesias ("Iglesias") is a well known professional model, and a resident of Los Angeles County, California.

49. Plaintiff Gemma Lee Farrell ("Farrell") is a well known professional model, and a resident of Los Angeles County, California.

50. Plaintiff Alyssa Nobriga ("Nobriga") is a psychotherapist, writer and model, and a resident of Los Angeles County, California.

51. Plaintiff Heather Rae Young ("Heather Young") is a well known professional model, and a resident of Los Angeles County, California.

52. Plaintiff Jaime Middleton ("Middleton") is a well known professional model, and a resident of Harris County, Texas.

53. Plaintiff Rosa Acosta ("Acosta") is a well known professional model, and a resident of Los Angeles, California.

54. Plaintiff Paola Canas ("Canas") is a well known professional model, and a resident of Los Angeles County, California.

55. Plaintiff Brooke Banx ("Banx") is a well known professional model, and a resident of Travis County, Texas.

56. Plaintiff Dana Hamm ("Hamm") is a well known professional model, and a

resident of Delaware County, Ohio.

57. Plaintiff Masha Lund ("Lund") is a well known professional model, and a resident of New York County, New York.

58. Plaintiff Sheena Lee Weber ("Weber") is a well known professional model, and a resident of Denton County, Texas.

59. Plaintiff Ursula Mayes ("Mayes") is a well known professional model, and a resident of Orange County, California.

60. Plaintiff Kara Monaco ("Monaco") is a well known professional model, and a resident of Orange County, Florida.

61. Plaintiff Pia Muehlenbeck ("Muehlenbeck") is a well known professional model, and a resident of Sydney, Australia.

62. Plaintiff Sabella Shake ("Shake") is a well known professional model, and a resident of Stanislaus County, California.

63. Plaintiff Sarah Elizabeth Bowers ("Bowers") is a well known professional model, and a resident of Maricopa County, Arizona.

64. Plaintiff Kim Cozzens ("Cozzens") is a well known professional model, and a resident of Santa Clara County, California.

65. Plaintiff Jesse Golden ("Golden") is a well known professional model, and a resident of Los Angeles County, California.

66. Plaintiff Krystal Forscutt Hipwel ("Hipwel") is a well known professional model, and a resident of Caringbah, Australia.

Defendants

67. According to publicly available records, defendant Scores Holding is a corporation organized under the laws of the state of Utah, is registered to do business in New York, and has a principle place of business at 533-535 West 27th Street, New York, New York.

68. Scores Holding advertises itself as the "fastest growing chain of gentlemen's clubs" in the United States, and as "leading the adult entertainment industry in innovation." (Exhibit A). Scores Holding licenses the "Scores" name to various licensees throughout the United States, who then become part of the Scores "chain".

69. According to publicly available records, defendant I.M. Operating is a New York limited liability company that owns and operates Scores New York, located in Manhattan, New York.

70. According to publicly available records, defendant The Executive Club is a New York limited liability company that owns and operates the Penthouse Executive Club located in Manhattan, New York.

71. According to publicly available records, defendant Robert Gans ("Gans") is the C.E.O. and majority shareholder of Scores Holding, the majority owner of I.M. Operating, and the majority owner of The Executive Club.

72. Upon information and belief, Scores Holding, and Gans, create and direct the traditional and social media marketing strategies and policies for all Scores Clubs throughout the United States.

73. Upon information and belief, as majority owner of The Executive Club, Gans creates and directs the traditional and social media marketing strategies and policies for the Penthouse Executive Club.

FACTUAL ALLEGATIONS

74. As set forth immediately below, each Plaintiff is an extremely well known professional model who earns her livelihood modeling and selling her Images to companies, magazines and individuals, for the purpose of advertising products and services.

75. Plaintiffs' careers in the modeling industry place a very high degree of value on their good will and reputation, which is critical in order to maximize their earning potential, book modeling contracts, and establish each of their individual brands. In furtherance of establishing, and maintaining, their brands, Plaintiffs are necessarily selective concerning the companies, and brands, for which they model.

76. Each of the Plaintiffs' Images was misappropriated, intentionally altered, and published without their consent in order to make it appear that they worked at or endorsed one or more of the Scores Clubs.

77. In the case of each and every Plaintiff, such appearance was false.

78. No Plaintiff has ever contracted with Scores Holding, or any of the Clubs, to allow use of their Image to advertise any of the Clubs.

79. In the case of each and every misappropriation, the individual Plaintiff's Images were taken without their knowledge, consent or authorization, at no point did any Plaintiff ever receive any remuneration for Defendants' improper and illegal use of their Images, and Defendants' improper and illegal use of Plaintiffs' Images have caused each Plaintiff to suffer substantial damages.

The Plaintiff Models' Backgrounds and Careers

80. Voronina, who was named *Playboy's* Miss January 2001, has represented international brands including SKYY Vodka, Miller Lite, Michelob Ultra, Bacardi, Sisley & Detour to name a few. She has millions of visual impressions around the globe via the covers

and pages of worldwide magazines, including: *FHM*, *Maxim*, *Playboy* (in 20 countries), *Max* (Italy), *Ocean*, *Shape*, *944*, *Knockout*, *Q* (UK), *People* (Australia), and most recently *Kandy*, *Rukus*, *Vape* and *Browz* magazines. In 2008 Voronina was named the St. Pauli Girl spokesmodel, completed a 12-month public relations tour across United States, and became the first ever St. Pauli Girl to ring the NYSE closing bell, representing Constellation Brands. In 2013 Voronina was named *Kandy Magazine's* Model of the Year as a result of her fans downloading the highest number of digital issues that year. Voronina has more than 4 million followers on Facebook, Instagram, Twitter and YouTube. (Facebook: 3.5 million, Instagram: 437,000, Twitter: 105,000). As an actress, Voronina got her first big screen break in *Reno 911!: The movie*, and additional credits include *Svetlana*, *Saul of the Mole Men*, *iCarly*, *Balls of Fury*, and *Piranha 3DD*, to name a few. Most recently, Voronina has been seen in supporting roles in *Laser Team* and *Killing Hasselhoff*, and is currently starring in the independent action film *Scramble*, which she also co-produced.

81. That we know of, Voronina is depicted in the photos in Exhibit "C" in order to promote various Scores Clubs on their social media pages. These Images depict Voronina in a variety of sexually suggestive outfits, and were each intentionally altered in order to make it appear that Voronina was either a stripper working at one of the Scores Clubs, or endorsed one of the Scores Clubs. That we know of, and as set forth on Exhibit "C", Voronina's Image was stolen and used to promote at least Scores Atlantic City, Scores New York, Scores North Carolina, Scores Jacksonville, Scores Detroit, and The Trophy Club. To take just a few examples, for Scores North Carolina, stolen Images of Voronina, at least one of which was first published in or around May 2015, were altered to make it appear that she was in a toga, and firefighter's uniform, in order to promote the Scores North Carolina Toga Party and Firefighters'

Day party, respectively, on that Club's Facebook Page. For Scores Jacksonville, a stolen Image of Voronina was altered to make it appear that Voronina was in a sexually suggestive costume in order to promote the Scores Jacksonville "Costume Night" on that Club's Facebook page. For Scores Detroit, stolen Images of Voronina were altered to make it appear that Voronina was in costume in order to promote that Club's Halloween and Cinco de Mayo parties.

82. Voronina has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

83. Gibson is an extremely successful model who got her start in the industry when she won the *Import Turner* magazine Model Search. Gibson has a massive motor sport following, and is currently the model for the Falken Drift Team and SBT, Inc. (Short Block Technologies), as well as being a Top Rank Boxing model. Gibson has been seen in the pages of *FHM*, *American Curves* (cover), *Supreme*, *MuscleMag International* and *Muscle & Fitness*, and has over 53,000 Instagram followers.

84. That we know of, Gibson is depicted in the photos in Exhibit "D" to promote various Scores Clubs on their social media pages. These Images depict Gibson in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Gibson was either a stripper working at one of the Scores Clubs, or endorsed one of the Clubs. That we know of, and as set forth in Exhibit "D", stolen Images of Gibson were altered and used to promote at least Scores North Carolina on its Facebook Page, Scores Atlantic City on its Facebook, Twitter and Instagram pages, Scores Detroit on its Facebook page, Scores Harvey on its Twitter page, and Scores Palm Beach on its Facebook page. It bears noting that the same stolen Image of Gibson was published on Scores Atlantic City's social media pages at least

eleven (11) times. Stolen Images of Gibson used on the Scores Detroit Facebook page -- at least one of which was first published in or around April 2015 -- show Gibson in a sexually suggestive belly dancer outfit in order to promote the Scores Detroit "Mediterranean Night"; one of the Images is beside the copy: "The sexiest belly dancers, the best Mediterranean eats, Hookahs, and … the SEXIEST Girls to keep you entertained." One Image of Gibson used by Scores Detroit is placed alongside what appear to be photos taken from inside the Club, further supporting Plaintiffs' position that Scores Detroit and/or Scores Holding was attempting to create the false impression that Gibson was employed as a stripper at Scores Detroit. Similarly, the stolen Image of Gibson used on the Scores Harvey Twitter page shows Gibson in a costume, and was meant to promote the Scores Harvey Halloween Party. As set forth in Exhibit "D", least one other Image of Gibson was published subsequent to April 2015.

85. Gibson has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

86. Toth is an extremely successful model who was the September 2011 *Playboy* Playmate of the Month. Toth has also appeared in a variety of magazines including *Super Street Bike, Import Tuner, Sport Truck, Iron Man, Seventeen*, and *Maxim*, as well as appearing in countless other catalogs and publications. Toth's popularity and renown is evidence by the fact that she has over 2 million Facebook followers, over 700,000 Instagram followers, and over 100,000 Twitter followers. In addition to her Toth's modeling work, she owns and maintains her own e-commerce site.

87. That we know of, Toth is depicted in the photos in Exhibit "E" to promote various Scores Clubs on their social media pages. These Images depict Toth in a variety of sexually

suggestive outfits, and were each intentionally altered to make it appear that Toth was either a stripper working at one of the Scores Clubs, or that she endorsed the Clubs. That we know of, and as set forth on Exhibit "E", Toth's stolen Images were published on the Scores Columbus, Scores Baltimore, Scores Indiana, Scores Detroit, Scores Columbus, Scores Palm Beach and Scores NWI social media pages. To take just one example of how the Scores Clubs attempted to represent that Toth worked at their Clubs, beside one of the Images of Toth published on the Scores Detroit Facebook page reads the copy: "The hottest chicks work at Scores! …. Come on by for the best adult entertainment on 8 mile." Other Images of Toth published on the Scores Detroit Facebook page contain similar copy. Upon information and belief, at least four (4) Images of Toth set forth in Exhibit "E" were published subsequent to April 2015.

88. Toth has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

89. Underwood is a world famous model whom first appeared on the cover of *Playboy* in October 2005, was *Playboy*'s Playmate of the Month for July 2006, and was named *Playboy's* Playmate of the Year for 2007. Underwood has not only been featured in various *Playboy* videos, but has likewise appeared, as herself, in the major motion pictures *The House Bunny* and *Miss March*. She has also appeared on episodes of such reality TV series as *Kendra*, *The Girls Next Door*, and *Bridget's Sexiest Beaches*. Underwood also works regularly in television as a continuity announcer for the Blackbelt TV cable network, and has served as co-host of G4's *Attack of the Show.* Underwood has more than 5 million social media followers.

90. That we know of, Underwood is depicted in the photos in Exhibit "F" to promote various Scores Clubs on their social media pages. These Images, which were repeatedly

published on the Scores Detroit Facebook page, the Scores Houston Facebook page, and the Scores NWI Facebook page, depict Underwood in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Underwood was either a stripper working at one of the Scores Clubs, or that she endorsed the Club. This false impression is bolstered by the fact that, to take just one example, the stolen Image of Underwood published on the Scores Houston Facebook page shows Underwood washing a car in order to promote a car wash being hosted by the Club. As set forth in Exhibit "F", at least two (2) Images of Underwood were published subsequent to April 2015.

91. Underwood has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

92. Edmondson is a graduate of Florida Atlantic University, a former police officer and Miami Dolphins cheerleader, and was the January 2010 *Playboy* Playmate of the Month. Edmondson was a participant in the competitive reality TV series *The Amazing Race 14*, has served as a sports blogger for Playboy online and co-host of Sirius Fantasy Sports Radio, and has appeared in *The Bunny House* documentary, in the Trace Adkins video for "This Aint No Love Song" and numerous other television, print, radio and online outlets. Edmondson has two children with her fiancée, Major League Baseball superstar, Evan Longoria.

93. That we know of, Edmondson is depicted in the photos in Exhibit "G" to promote various Scores Clubs on their social media pages. These Images depict Edmondson in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Edmondson was either a stripper working at a Scores Club, or that she endorsed one of the Scores Clubs. That we know of, and as set forth in Exhibit "G", numerous pictures of

Edmondson were stolen, altered to have it appear that Edmondson was in a t-shirt of a NFL football team, and published on the Scores North Carolina Facebook page, and the Scores Chicago Instagram page. As set forth in Exhibit "G", at least two (2) Images of Edmondson were published subsequent to April 2015.

94. Edmondson has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

95. Burciaga is a model and businesswomen, and the owner of Sailor and Saint Clothing line. Burciaga was the *Playboy* Playmate of the Month for February 2009, and has also modeled for *Stuff*, *Maxim*, *EA Sports*, *Import Turner*, *Modified Magazine*, and *Show Latina*, among many others. Burciaga has 1.5 million followers on Instagram and 200,000 followers on Twitter.

96. That we know of, Burciaga is depicted in the photos in Exhibit "H" to promote various Scores Clubs on their social media pages. These Images depict Burciaga in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Burciaga was either a stripper working at one of the Scores Clubs, or endorsed the Club. That we know of, and as set forth on Exhibit "H", stolen Images of Burciaga were published on the Scores New Orleans, Scores Chicago, Scores New Haven, Scores Detroit, and Scores Palm Beach social media pages. To take just one example, a stolen Image of Burciaga was altered to make it appear that she was wearing boxing gloves in order to promote the Scores Detroit "Fight Night After Party" on that Club's Facebook page. As set forth in Exhibit "H", at least one (1) Image of Burciaga was published subsequent to April 2015.

97. Burciaga has never been employed at any Scores Club, has never been hired to

endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

98. Electra is an actress, recording artist, and entrepreneur who over the past two (2) decades has consistently been one of Hollywood's most versatile personalities. Electra was first signed by music superstar Prince, who produced her first, self-titled album on his Paisley Park record label. Electra then ventured into acting, first with regular roles on *Baywatch* and MTV's *Singled Out*, and then into film, with starring roles in blockbuster hits including *Scary Movie*, *Dirty Love*, *Cheaper by the Dozen 2*, and *Meet the Spartans*. Electra won the role as the face of MAX Factor, following in the famous footsteps of Marilyn Monroe and Jaclyn Smith, and in 2006, became a published author with the release of her book, *How to be Sexy*. Electra also formed a dance troupe, The Bombshells, who perform nationwide, and recently released the fitness DVD series, "Carmen Electra's Aerobic Striptease." In 2009, Electra appeared live on stage in MGM Grand Vegas' Crazy Horse Burlesque Show to sold-out audiences; in 2010, Electra starred in the film, *Oy Vey, My Son is Gay*, and in 2011 Electra starred in the film *2-Headed Shark Attack*, alongside Charlie O'Connell, served as a guest judge on *Britain's Got Talent*, and made reoccurring guest appearances on CW's hit show, *90210*. In 2012, Electra released her return-to-music single, "I Like it Loud," featuring Grammy-nominated producer Bill Hamel, which hit the number 25 spot on Billboard's Dance Club Play Chart. Since 2014 Electra has released numerous additional singles to worldwide acclaim. Electra can currently be seen as the host of WEtv's new reality docu-series *Ex Isle* which premiered in January 2016. She has 2.5 million Facebook followers, 477,000 Instagram followers, and nearly 400,000 Twitter followers.

99. That we know of, Electra is depicted in the photos in Exhibit "I" to promote various Scores Clubs on their social media pages. These Images depict Electra in a variety of

sexually suggestive outfits, and were intentionally altered to make it appear that Electra was either a stripper working at one of the Scores Clubs, or that she endorsed one of the Clubs. To take just one example, the stolen Image of Electra published, repeatedly, on the Scores Houston Instagram page shows Electra beside a bottle of Crown Royal, in order to promote that Club's $5 dollar Jameson and Crown Royal special. As set forth on Exhibit "I", misappropriated Images of Electra were published on at least the Score Houston, Scores Palm Beach, and The Trophy Club social media accounts. As set forth in Exhibit "I", at least one (1) Image of Electra was published subsequent to April 2015.

100. Electra has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

101. Carver is a German model and actress based in the United States, is the commercial spokeswoman for online German consumer electronics giant Redcoon, and has set a record by appearing on the cover of Britain's *Zoo Magazine* six (6) times. Carver has won modeling contests for racing sport seat production company COBRA, and was thereafter named their spokesmodel, and has won second place on the Top 100 Internet Model Newcomer of the Year. Carver has more than 1.5 million followers on Instagram, 172,500 followers on Twitter, and nearly 4 million followers on Facebook.

102. That we know of, Carver is depicted in the photos in Exhibit "J" to promote various Scores Clubs on their social media pages. These Images depict Carver in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Carver was either a stripper working at these Scores Clubs, or that she endorsed these Clubs. As set forth on Exhibit "J", that we know of, stolen Images of Carver were published on the Scores New Haven

Scores Detroit and Scores Palm Beach social media accounts. As set forth on Exhibit "J", at least one (1) Image of Carver was published subsequent to April 2015.

103. Carver has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

104. Killings is a world-renowned model who has appeared in countless magazines, including *SHOW*, *Blackmen*, *Straight Stuntin*, *Smooth*, *Mixed Magazine* and many more. Killings has likewise appeared in various music videos as lead talent for artists such as Far East Movement and Snoop Dogg, OMG, Slim Thug and Baby Bash, Big Sean and Chris Brown, and Jay Sean and Nicki Minaj. She has over 1.3 million followers on Instagram, and 52,000 followers in Twitter.

105. That we know of, Killings is depicted in the photos in Exhibit "K" to promote various Scores Clubs. These Images depicts Killings in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Killings was either a stripper working at one of the Scores Clubs, or endorsed one of the Clubs. That we know of, and as set forth in Exhibit "B", Killings Image was stolen and used to promote at least Scores New York, Scores New Orleans, and Scores Harvey. The date of Defendants' publication of certain of Killings' Images is unknown.

106. Killings has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

107. In addition, Killings is depicted in the photo in Exhibit "L" to promote the Penthouse Club on its Facebook Page. This Image, which is identical to one of the Images stolen

by the Scores Clubs, depicts Killings in a sexually suggestive outfit and was intentionally altered to make it appear that Killings was employed at the Penthouse Club, or endorsed the Club.

108. Killings has never been employed at the Penthouse Club, has never been hired to endorse the Penthouse Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

109. Posada is an internationally known fashion model and designer from Barranquilla, Colombia. She is best known for her appearances in the *Besame* and *Espiral* lingerie collections, but has also modeled countless other brands, including Pradizia Swimwear, Babalu Swimwear, and Ujeans.

110. That we know of, Posada is depicted in the photo in Exhibit "M" to promote Scores Detroit on its Facebook page. This Image depicts Posada in a sexually suggestive outfit, and was intentionally altered to make it appear that Posada was either a stripper working at Scores Detroit, or that she endorsed the Club. This Image was published on or about April 7, 2015.

111. Posada has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

112. In addition, Posada is depicted in the photo in Exhibit "N" to promote the Penthouse Club on its Instagram and Twitter pages. These Images depict Posada in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Posada was employed at the Penthouse Club, or endorsed the Club.

113. Posada has never been employed at the Penthouse Club, has never been hired to endorse the Penthouse Club, has received no remuneration for Defendants' unauthorized use of

her Image, and has suffered, and will continue to suffer, damages as a result of same.

114. Valencia is a Colombian-born model with a large international following who has worked throughout Latin America and the United States. Valencia has modeled for clients such as Diesel, Americanino, Leonisa, Chevignon, Onde de Mar and many more. Valencia recently became the contract face of BESAME lingerie, and continues to be one of the most popular and successful Colombian models with a growing social media profile, and over 66,000 Instagram followers.

115. That we know of, Valenica is depicted in the photos in Exhibit "O" which were published on various Scores Clubs social media pages. These Images depict Valencia in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Valencia was a stripper working at one of the Scores Clubs, or endorsed one of the Scores Clubs. This false impression is bolstered by the fact that, for instance, beside the Image of Valencia posted on the Scores New York Facebook, Instagram and Twitter pages, the copy reads: "Didn't get what you want for #Christmas? It's not too late to #TreatYoSelf to an evening of indulgence!" Likewise, the Image posted on the Scores Detroit Facebook pages was altered to make it appear that Valencia was in lingerie, and was posted in order to advertise the Scores Detroit "Sexy Lingerie Party."

116. Valencia has never been employed at any Scores Club, has never been hired to endorse any Scores Club Clubs, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

117. Rosario is an internationally known model who has appeared in *Maxim*, *FHM*, *GQ* and *Vogue*. Rosario has done commercials for Budweiser and Comcast, and is a spokesperson for Monster Energy Drinks, Protein World, and Budweiser. Rosario also has her

own perfume line, and is extraordinarily well known in the Social Media world, with over 710,000 Facebook followers, 630,000 Instagram followers, and 122,000 Twitter followers.

118. That we know of, Rosario is depicted in the photos in Exhibit "P" in order to promote various Scores Clubs on their social media pages. These Images shows Rosario in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Rosario was either a stripper working at one of the Scores Clubs, or that she endorsed the Clubs. That we know of, and as set forth in Exhibit "P", Rosario's stolen Image was used by at least Scores Jacksonville, Scores Atlantic City, Scores Detroit, and The Trophy Club. To take just one example, the Image used on the Scores Atlantic City Facebook pages shows Rosario sitting in a car beside the copy: "Party like a VIP from the moment you arrive with a complimentary limo ride to Scores Atlantic City from anywhere in AC!" This was done in order to create the false impression that Rosario was a stripper working at that Club. Each of the other stolen Images of Rosario contain copy that was similarly intended to create the false impression that Rosario worked at, or endorsed, one of the Scores Clubs. As set forth on Exhibit "P", at least one Image of Rosario was published subsequent to April 2015.

119. Rosario has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

120. Archuleta is an American model, actress, and reality TV star, who was the *Playboy* Playmate of the Month for August 2001. She subsequently launched her own website, appeared in a variety of *Playboy* editions, was chosen by Carmen Electra to model for her celebrity guest photographer photo shoot on Playboy.com, and has appeared in music videos for the likes of Justin Timberlake, Sterophonics, and Marc Anthony. Archuleta has appeared on the

cover of numerous magazines, including *Holistic Health, Moves, American Curves, Muscle & Fitness*, *Hers*, *Physical*, *Iron Man*, *VP Racing Fuel*, and many others. As an actress, Archuleta has appeared in *America Pie: Band Camp*, *The Pool Boys*, *Weakest Link*, *Street Smarts*, *Wild On!*, and *Ripley's Believe It or Not.* Archuleta currently lives in Arizona, where she is raising her three children with her husband, former NFL star Adam Archuleta.

121. That we know of, Archuletta depicted in the photos in Exhibit "Q" to promote various Scores Clubs on their social media pages. These Images depict Archuleta in a variety of sexually suggestive outfits, and were each intentionally altered in order to make it appear that Archuleta was either a stripper working at Scores Baltimore or Scores Detroit, or that she endorsed either of the Clubs. Importantly, the same exact photo of Archuletta was used on the social media pages for both Scores Baltimore and Scores Detroit.

122. Archuletta has never been employed at any Scores Club, has never been hired to endorse any Scores Clubs, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

123. Waltz is an American model, reality star, and actress, with over 25 acting credits to her name. Waltz was a housemate on the BBC's *Celebrity Big Brother*, and has appeared on the television series *Femme Fatales*, *Secret Girlfriend*, *Rules of Engagement*, *Bad Boys II*, and others.

124. That we know of, Waltz is depicted in the photo in Exhibit "R" which was published on the Scores New York Facebook page. This Image depicts Waltz in a sexually suggestive outfit and was intentionally altered to make it appear that Waltz was a stripper working at Scores New York, or endorsed the Club.

125. Waltz has never been employed at any Scores Club, has never been hired to

endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

126. Mariana Davalos is a model who has a burgeoning career in the talent industry. She has over 175,000 Instagram followers and has a tremendous Latin American and international following with 250,000 Facebook followers.

127. That we know of, Davalos depicted in the photo in Exhibit "S" to promote Scores Baltimore on its Facebook page. This Image depicts Davalos in a sexually suggestive outfit, and was intentionally altered in order to make it appear that Davalos was either a stripper working at Scores Baltimore, or that she endorsed the Club. It is unknown when this Image of Davalos was first published.

128. Davalos has never been employed at any Scores Club, has never been hired to endorse any Scores Clubs, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

129. Terrell is an American model and spokesmodel who travels and works with Monster Energy Supercross. Terrell also appears with The Superbike Races special events and with Moto GP Championship races. Terrell is probably best known, and has a huge social media following, including nearly 50,000 Twitter followers, and 340,000 Instagram followers, due to her position as the main Ring Girl for Bellator MMA fighting. Terrell has featured in a number of magazines and has appeared on the cover of *Wheels and Heels*, *Dub Magazine*, *Beer*, *Girls Lowrider* and many more.

130. That we know of, Terrell is depicted in the photos in Exhibit "T" to promote Scores Baltimore on its Facebook Page. This Image depicts Terrell in a sexually suggestive outfit, and was intentionally altered to make it appear that Terrell was either a stripper working at

Scores Baltimore, or that she endorsed the Club

131. Terrell has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

132. Jacobs is an American model and actress and the May 2003 *Playboy* Playmate of the Month. Jacobs has likewise appeared in *Maxim*, *FHM*, and *Vanity Fair*, and in commercial and advertisements for Kohl's, Macy's, McDonalds, Sunglass Hut, and Leg Avenue. As an actress Jacobs has appeared in the independent film *Hitters*, made a guest appearance on an episode of the hit TV series *CSI: Crime Scene Investigation*, and won the 2005 Best Actress Award for Excellence at the Japanese Adult Broadcasting Awards for *Playmate Profile*, which was televised on the Japanese satellite TV broadcaster Sky PerfecTV!. Jacobs has over 41,000 Twitter followers

133. That we know of, Jacobs is depicted in the photos in Exhibit "U" to promote Scores New Haven on its Facebook Page. This Image depicts Jacobs in a sexually suggestive outfit, and was intentionally altered to make it appear that Jacobs was either a stripper working at Scores New Haven, or that she endorsed the Club. It is unknown when this Image of Jacobs was first published.

134. Jacobs has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

135. Sullivan is a model, spokesperson and social media influencer, who has represented such brands and companies as Instabrands, Mate Fit, Hero Clean, Protein World, Bleach Brite, Women's Best, Hawkers Co, Dexo Skinny Herb fit Tea, and Boco Drink. Sullivan

has nearly a 500,000 Instagram followers, and is currently attending college in California, studying Sports Nutrition.

136. That we know of, Sullivan is depicted in the photos in Exhibit "V" to promote Scores New Haven on its Facebook page. This Image depicts Sullivan in a sexually suggestive outfit, and was intentionally altered to make it appear that Sullivan was either a stripper working at Scores New Haven, or that she endorsed the Club. It is unknown when this Image of Sullivan was first published.

137. Sullivan has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

138. Geiger is a model and actress who got her start appearing in various hip-hop videos, including videos for the artists Lil' Wayne and Keri Hilton. Geiger is perhaps best known for her work for Glamour, and her appearances on the Howard Stern Show in a Miss HTV March contest. Geiger has been featured in numerous men's magazines, including *Show*, *Maxim* and *Raw*, and in advertisements for, among other products, Primitive Clothing, for which she has her own custom skateboard decks.

139. That we know of, Geiger is depicted in the photos in Exhibit "W" to promote various Scores entities on their social media pages. These Images depict Geiger in a variety of sexually suggestive outfits, and were each intentionally altered to make it appear that Geiger was either a stripper working at the particular Scores Club, or that she endorsed the Club. That we know, and as set forth on Exhibit "W", stolen Images of Geiger were used on the social media accounts for Scores Detroit and Scores Palm Beach. The intended false appearances are bolstered by the fact that, to take just one example, the copy beside one of the Images of Geiger

reads: "Now Auditioning. Ladies Auditions Will be Held Sunday 12PM-4PM," which provides a false implication that Geiger is an employee at Scores Detroit. As set forth in Exhibit "W", at least one (1) Image of Geiger was published subsequent to April 2015.

140. Geiger has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

141. Johnson is a world renowned model who has appeared in *FHM*, *Maxim*, and *Stuff*. She has also appeared in commercials and billboards Fredrick's of Hollywood, Coors Light, and Budweiser. Johnson been also featured in countless other catalogs, magazines, billboards, and television commercials and shows including, most recently, *Viva Glam*.

142. That we know of, Johnson is depicted in the photos in Exhibit "X" to promote Scores Detroit on its Facebook Page. This Image depicts Johnson in a sexually suggestive outfit, and was intentionally altered to make it appear that Johnson was either a stripper working at Scores Detroit, or that she endorsed the Club, a false appearance bolstered by the fact that the Image shows Johnson shooting a bow and arrow and was meant to promote the Scores Detroit Valentine's Day Special.

143. Johnson has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

144. Zales is an American model, actress and social media phenomena who has been featured in *Maxim*, *FHM* (in the United States, Thailand, Norway, and the Phillipines), *Lowrider* (cover), *Koncept*, *Kassanova*, *Show*, *Glam Jam*, *Hush Hush*, *Kaboom!*, GuySpeed.com and Venus Zine. Zales has also been featured in catalogs and campaigns such as for companies such

as Gila River Casino, Lone Butte Burger, Verona Chophouse, American Bandstand Express, Apple, Sassimi Spa, Rachelle's Salon and The American Heart Association. As an actress, Zale has appeared in over ten films, including *Piranha 3D* and *Young Americans*, and has a number of TV appearances to her credit including commercials for Pepsi, Bad Boy Fight Night, APS Electric and Acura of Tempe. Zales is the Brand Ambassador for Shredz fitness clothing. She has over 4.3 million Instagram followers.

145. That we know of, Zales is depicted in the photos in Exhibit "Y" to promote Scores Detroit on its Facebook Page. This Image depicts Zales in a sexually suggestive outfit, and was intentionally altered to make it appear that Zales, was either a stripper working at Scores Chicago, that she endorsed the Club, or that she herself had sent her photo into Scores Detroit. The false impression is bolstered by the copy beside the picture of Zales, which reads: "It's that time again … This time it's a submission from one of our local friends …." The copy then goes onto state that Zales was requesting that the Scores Detroit Facebook readership rate certain of her body parts.

146. Zales has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has never sent her Image to any Scores Club to be judged, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

147. Skinner is a model and actress who has appeared on *CSI: Miami*, *Rules of Engagement*, *Shark*, *Las Vegas*, and *The Tonight Show*. Skinner has also modeled for a variety of internationally known brands, including Sketchers, Nordstrom, Fredericks of Hollywood, Tecate, Skky Vodka, and Muscle & Fitness, and has appeared in music videos for the likes of Def Leppard. In addition, Skinner has appeared in *Maxim*, in both the United States and various

European versions, the *Playboy* lingerie catalog (to name just a few of her campaigns), and has her own set of Bench Warmer trading cards.

148. That we know of, Skinner is depicted in the photos in Exhibit "Z" to promote Scores Detroit on its Facebook Page. This Image depicts Skinner in a sexually suggestive outfit, and was intentionally altered to make it appear that Skinner was either a stripper working at Scores Detroit, or that she endorsed the Club, a false impression bolstered by the fact that Skinner is wearing a Santa Claus hat beside the copy: "Happy Holidays from all of us to all of you! Merry Christmas …"

149. Skinner has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

150. Hinton is a world renowned and highly sought after model, who was the July 2011 *Playboy* Playmate of the Month. Hinton has been active in the entertainment industry since the age of sixteen (16), and has appeared in countless national commercial and television shows. In 2010 Hinton became the face of the Palms Hotel & Casino's advertising campaign, has hosted the television show *Victory Poker,* has served as the interview personality for *Top Rank Boxing*, and has been the centerpiece of an advertising campaign for Milwaukee's Best Beer in conjunction with Playboy Enterprises. Hinton has also served as a spokes model for Affliction Clothing, Enzo, Milano Hair Products, REVIV Wellness Spa, Protein World, Rhonda Shear Shapewear, Leg Avenue and Roma Costume, and has been a featured cover model for magazines such as *FHM*, *Kandy*, *MMA Sports*, *Guitar World*, and *Muscle & Fitness*. Her images have likewise appeared on countless billboards, magazines, posters, and multiple forms of electronic media. Ms. Hinton has been named Creative Director for MAJR Media, and she also served as a

guest host for the television station KTLA in Los Angeles. In addition, Hinton has earned an elite status as a social media celebrity, with more than 1.2 million followers on Instagram, 872,000 followers on Facebook, and 181,000 followers on Twitter.

151. That we know of, Hinton is depicted in the photos in Exhibit "AA" to promote various Scores Clubs on their social media pages. These Images depict Hinton in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Hinton was either a stripper working at one of the Scores Clubs, or that she endorsed the Clubs. That we know of, and as set forth on Exhibit "AA", a stolen Image of Hinton was altered, to make it appear that Hinton was in a superhero costume, in order to promote "Sexy Superhero Night" on the Scores North Carolina Facebook page. In addition, a stolen Image of Hinton was published on the Scores Tampa Twitter Page beside the copy: "Wed can only mean 1 thing! It's time to party w/ the Ladies of Scores in their sexiest lingerie," which is purportedly "signed" by "Scores GM Rob Rice". Stolen Images of Hinton also appear on the Scores Detroit Facebook page. As set forth in Exhibit "AA", at least two (2) Image of Hinton were published subsequent to April 2015.

152. Hinton has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

153. Krupa is a world renowned model, actress, and television personality. As an actress, Krupa has appeared in the film *Max Havoc: Curse of the Dragon*, and the television show *Superstars*, and also appeared as a contestant on Season 9 of ABC's *Dancing with the Stars*. In addition, since 2010 Krupa has been head judge of *Poland's Next Top Model*, and is a cast member of Bravo's *The Real Housewives of Miami*. As a model, Krupa has twice appeared

on the cover of *Playboy*. She has also appeared on numerous other magazine covers, including *Personal*, *Steppin' Out*, *Envy*, *Shape*, *FHM*, *Stuff*, *Inside Sport*, *Teeze*, and *Maxim*. Krupa has been named the "Sexiest Swimsuit Model in the World," and in 2011 Maxim ranked her #55 in its 2011 Hot 100. In 2004-2005, she was voted German's Maxim Model of the Year. Krupa also models for ads with PETA.

154. That we know of, Krupa is depicted in the photos in Exhibit "BB" to promote various Scores Clubs on their social media pages. These Images depict Krupa in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Krupa was either a stripper working at one of the Scores Clubs, or endorsed one of the Scores Club. For example, the stolen Image of Krupa used by Scores Detroit is accompanied by copy which reads: "At Scores Detroit." The stolen Image of Krupa used by the Trophy Club in Greenville, South Carolina depicts Krupa was altered to make it appear that Krupa was in a Budweiser bathing suit, and the accompanying copy reads: "$1.50 DOMESTICS Today."

155. Krupa has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

156. Laurie Young is a model shooting for Shirley of Hollywood, has appeared in Adam & Eve commercials and has appeared on a numerous television programs, including *Entourage*.

157. That we know of, Young is depicted in the photo in Exhibit "CC" to promote Scores Detroit and Scores Palm Beach on their social media accounts. These Images depict Young in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Young was either a stripper working at Scores Detroit or Scores Palm Beach,

or that she endorsed one of the Clubs. It is unknown when certain of the Images of Young were first published.

158. Young has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

159. Mitcheson is a well known model and actress, best known for winning *Maxim's* Hometown Hottie contest in 2013. Mitcheson has served as the face of the MGM Grand, and the face of Playboy Intimates. She has over 135,000 Instagram followers, and in May 2015 served as the main ring girl during the Floyd Mayweather/Manny Pacquiao fight in Las Vegas.

160. That we know of, Mitcheson is depicted in the photos in Exhibit "DD" to promote various Scores Clubs on their social media pages. These Images depict Mitcheson in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Mitcheson was either a stripper working at one of the Scores Clubs, or that she endorsed one of the Clubs. That we know of, misappropriated Images of Mitcheson were published on the Scores Detroit Facebook page and the Scores NWI Facebook page. As set forth in Exhibit "DD", at least one (1) Image of Mitcheson was published subsequent to April 2015.

161. Mitcheson has never been employed at any Scores Club, has never been hired to endorse any Scores Clubs, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

162. Koren is an internationally known, and highly sought after, model who has walked runways for fashion shows in Miami's Mercedes Benz Fashion Week, filmed for travel TV show *Bikini Destinations*, shot for major campaigns in Los Angeles, and is the face of numerous major brands. Koren can be seen across the nation on billboards, buildings and bus

stops in a campaign for MIDORI along with Kim Kardashian. As an actress, Koren has appeared in *Date Night*, with Steve Carell and Tina Fey, in *The Closer*, and many others. She has also appeared in campaigns for brands such as Nike, Reebok, Affliction Clothing, Volcom, Body Glove, Sinful, American Customs, Alo, Modern Salon Magazine, No Fear, Axe Body Spray, Paul Mitchell, Vibra Magazine, Launch Pad Magazine, Cut & Dry Magazine, Hairdo Magazine, Sunset Tan, Divine Boutique, Esquire Magazine, Vogue Magazine, True Religion, Jessica Simpson Swimwear, Ed Hardy, Christian Audigier, Smet, Rebel X Magazine, SNI Swimwear, Tommy Bahama, Roma, J Valentine, Sunsets Inc, B Swim, Love Culture, Maxim, Viva Glam Magazine, Fantasy Lingerie, Elegant Moments, So Cal Swimwear, No Fear, Swim Magazine, American Honey, Have Faith Swimwear. She also owns her own company, Cashmere Hair Extensions, which appeared on ABC's *Shark Tank* in 2013. She has over 122,000 followers on Instagram.

163. That we know of, Koren is depicted in the photos in Exhibit "EE" to promote various Scores Clubs on their social media pages. These Images depict Koren in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Koren was either a stripper working at one of the Scores Clubs, or that she endorsed one of the Scores Clubs. That we know of, misappropriated Images of Koren were published on the Scores Detroit, Scores Houston, and Scores Palm Beach social media pages. As set forth in Exhibit "EE", at least one (1) Image of Koren was published subsequent to April 2015.

164. Koren has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

165. Guerra is a Cuban-born actress and model who has been named *FHM*'s Model of

the Year, and has appeared in music videos for artists such as Kanye West and Nelly. In addition to her appearances in *FHM* – which voted her Number 26 in that its "Top 100 Sexiest Females" list -- Guerra has appeared in various other magazines, including *DUB*, *Smooth*, *Escape*, and *Open Your Eye*s. As an actress, Guerra has made multiple appearances on several Spanish language television programs, including, *El Gordo y la Flaca*, on Comedy Central's *The Chappelle Show*, in *National Lampoon's Dorm Daze 2*, and in commercials for various companies, including Burger King. Guerra also appeared in the video game "Scarface: The World Is Yours." In addition to her modeling and acting endeavors, Ms. Guerra has produced her own swimsuit calendars (and accompanying "behind the scenes" DVDs), as well as and a 2006 DVD entitled, *Vida Guerra: Exposed*. Guerra is in high demand as a spokeswoman for fitness equipment, and in television shows and movies, and has over 260,000 Instagram followers.

166. That we know of, Guerra is depicted in the photos in Exhibit "FF" to promote Scores Detroit on its Facebook Page. This Image, which is really three Images of Guerra from different angles, and which was repeatedly published on the Scores Detroit Facebook page, depicts Guerra in a sexually suggestive outfit, and was intentionally altered to make it appear that Guerra was either a stripper working at Scores Detroit, or that she endorsed the Club, a false appearance bolstered by the copy beside the Image which reads: "we're showing #sexy from every angle".

167. Guerra has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

168. Kazdova is a very well known model from the Czech Republic who has modeled

for companies across the globe. She has appeared in *Elle*, *Style*, *Cosmo Girl*, *Dolce Vita*, *Nylon*, *Prestige Paris*, *Fiasco*, *Composure*, *Formen*, *Modern Salon*, *Viva Glam* and among many other magazines. Kazdova has also appeared in advertisement for such well known brands as Nordstrom, Macy's, Tadashi Shoji, Anthony Franco, Alicia Estrada, Mirabella Beauty, MAC, Level 99, Dreamgirl Lingerie, Erka Mare Swimwear, HausofPinkLemonaid Swimwear, Hautelook, Patagonia, and many others.

169. That we know of, Kazdova is depicted in the photos in Exhibit "GG" to promote Scores Harvey on its Twitter Page. This Image depicts Kazdova in a sexually suggestive outfit, and was intentionally altered to make it appear that Kazdova was either a stripper working at Scores Harvey, or that she endorsed the Club. It is unknown when this Image of Kazdova was first published.

170. Kazdova has never been employed at any Scores club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

171. Pepaj is a successful and highly in demand runway and high fashion model, who has appeared in many print campaigns, and commercials for products such as Diet Coke. Pepaj has also appeared in the films: *The Hand Off*, *Interior: Leather Bar*, *The Romp*, and on HBO's *True Detective*.

172. That we know of, Pepaj is depicted in the photos in Exhibit "HH" to promote Scores Harvey and Scores Palm Beach on their social media pages. These Images depict Pepaj in a variety of sexually suggestive outfits, and were intentionally altered to make it appear that Pepaj was either a stripper working at one of the Clubs, or that she endorsed one of the Clubs. It is unknown when these Images of Pepaj were first published.

173. Pepaj has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

174. Iglesias is an American model, actress and social media influencer. Since being voted *Maxim's* "Hometown Hotties" winner in 2010, she has been featured in magazines such *World's Most Beautiful*, *Esquire*, and *Vibe*, has appeared in the World Poker Tour series, and has appeared as herself on all seasons of MTV's *Guy Code* and *Girl Code*, as well as the *Guy Code* spin-off, *Guy Court*. Iglesias has likewise appeared as a guest on the *Ellen DeGeneres Show*, has hosted *MLB Fan Cave*, and can be seen, in her first starring role in a feature film, in *Abnormal Attraction*, slated for release in 2016. Her social media consists of 1.3 million Instagram followers, 1.6 million Facebook followers, and 728,000 Twitter followers.

175. That we know of, Iglesias is depicted in the photos in Exhibit "II" to promote Scores Harvey on its Twitter page. This Image depicts Iglesias in a sexually suggestive outfit, and was intentionally altered to make it appear that Iglesias was either a stripper working at Scores Harvey, or that she endorsed the Club. It is unknown when this Image of Iglesias was first published.

176. Iglesias has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

177. Farrell is an extremely successful model and the November 2013 *Playboy* Playmate of the Month, the first model from New Zealand to be so appointed. Farrell has been a professional model since she was 17, and her modeling credits include Australian men's magazine *Ralph Magazine*, *Guitar World*, *Sports Illustrated*, and many others. Farrell was

crowned the first Miss Monster Energy Cup spokes model, and was named the face of the Playboy Club. Farrell is likewise a social media influencer, with over 585,000 Instagram followers, and 660,000 Facebook followers. Farrell is also a reality television star in New Zealand, a client of Wilhelmina modeling agency, and a Healthy Brand lifestyle ambassador for Protein World and Skinny Bunny Teas.

178. That we know of, Farrell is depicted in the photos in Exhibit "JJ" to promote Scores Houston on its Twitter page. This Image depicts Farrell in a sexually suggestive outfit, and was intentionally altered to make it appear that Farrell was either a stripper working at Scores Houston, or that she endorsed the Club.

179. Farrell has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

180. Nobriga is trained as a psychotherapist and works as a professional coach with individuals and corporations, both nationally and internationally. She obtained her masters degree in Clinical Psychology, specializing in Mind-Body Psychotherapy from The Chicago School of Professional Psychology. Alyssa is currently on faculty at the University of Santa Monica where she holds a second masters degree in Spiritual Psychology, with an emphasis on Consciousness, Health and Healing. She is a graduate of The School for The Work, has extensive training in Imago Couples Therapy as well as an advanced certification from the Hakomi Institute in mindfulness-based therapeutic practices and is certified as a success coach. Alyssa is a spiritual advisor for CEOs and senior executives, she facilitates transformational group intensives and women's leadership and empowerment workshops. She also leads wellness retreats around the world centered on mindfulness and conscious living as well as 6 month

mastermind intensives supporting women in standing forward as leaders and soul-centered professional coaches. She is a contributor to various publications such as *The Huffington Post*, *Positively Positive* and *The Daily Love* and is a featured expert on Deepak Chopra's YouTube channel. Alyssa's enthusiasm for this work has led her to develop a unique way of blending multiple modalities and life experiences to support people in a soulful and practical way. Her intention and vocation is to assist others in leading more open, authentic, loving, and fulfilling lives.

181. That we know of, Nobriga is depicted in the photos in Exhibit "LL" to promote Scores North Carolina on its Facebook Page. This Image depicts Nobriga in a sexually suggestive outfit, and was intentionally altered to make it appear that Norbriga was either a stripper working at Scores North Carolina, or that she endorsed the Club.

182. Nobriga has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

183. Heather Young is an extremely well known swimsuit, glamour and lingerie model who was named the February 2010 *Playboy* Playmate of the Month. Heather Young has likewise served as a spokesmodel for brands such as Captain Morgan, Smirnoff, Baileys, and Jose Cuervo, has appeared in the 2010 Import Turner calendar, the 2011 Fast Dates calendar, was featured in an advertising campaign for the Affliction Clothing Line, and has modeled for such clients as Calao Swimwear, DSO Eyewear, Carrie Amber lingerie, Hustler Lingerie, Superstar Swimwear, and 7 Til Midnight Lingerie. Heather Young has also made various television appearances, and has 359,000 Instagram followers and 92,500 Twitter followers.

184. That we know of, Heather Young is depicted in the photos in Exhibit "MM" to

promote various Scores Clubs. These Images depict Heather Young in a variety of sexually suggestive outfit, and were intentionally altered to make it appear that Heather Young was either a stripper working at one of the Scores Clubs, or endorsed one of the Scores Clubs. For example, a stolen Image of Heather Young was altered to make it appear that Heather Young was in a top hat, and "Kiss Me I'm Irish" underwear to advertise the Scores North Carolina St. Patrick's day party on that Club's Facebook page.

185. Heather Young has never been employed at any Scores Club, has never been hired to endorse any of the of the Clubs, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

186. Middleton is an American model, Fitness model, businesswoman, nutritionist and spokeswoman, a graduate of Texas A&M University, a former NFL cheerleader, and the winner of the World's Fittest Model Competition. Middleton as been the featured subject and cover girl on many fitness and women's magazines, and is currently a full-time spokesperson for Bodybuilding.com. She has her own line of swimwear and a supplement line with Labrada nutrition. Middleton is a devout Christian, and is married to Michael Middleton, who is a worship leader in their church. Middleton has more than 2 million social media followers between Facebook, Instagram, and Twitter.

187. That we know of, Middleton is depicted in the photos in Exhibit "NN" to promote Scores North Carolina on its Facebook Page. This stolen Image was altered to make it appear that Middleton was in a sexually suggestive football uniform, and was published beside the copy: "Football, Poker, and the Scores cheerleaders tonight. Come on out and play!" This Image was altered, and published beside that copy, in order to make it appear that Middleton was either a stripper working at Scores North Carolina, or that she endorsed the Club.

188. Middleton has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

189. Acosta is a trained ballerina, graduate of the Dominican Republic's Institute of Culture and Art, a former member of the Dominican Nacional Ballet, becoming its youngest soloist in 2002, and was nominated twice by the Secretaria de Estado de la Juventud for her work in the category of Cultural Development. Acosta began her modeling career in 2004, participating in magazines and television for prestigious Dominican enterprises, and has since distinguished herself in several areas of the modeling world, having been featured in numerous magazines, commercials and music videos. She has 1.7million Facebook followers, 930,000 Instagram followers, and 315,000 Twitter followers.

190. That we know of, Acosta is depicted in the photos in Exhibit "OO" to promote Scores North Carolina on its Facebook Page. This Image depicts Acosta in a sexually suggestive outfit, beside the copy: "I'm sick of closing out every job interview with 'I was young. I needed the money.'" This Image was intentionally altered to make it appear that Acosta was either a stripper working at Scores North Carolina, or that she endorsed the Club.

191. Acosta has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

192. Canas is a Colombian-born model, actress, and television host, who over the past 12 years has appeared as a runway model at fashion shows throughout the world, and currently serves as the is the international face of Curve lingerie. Canas was recently chosen as the face of the Masters Gold Tournament in Dubai, and was the image for the "International Surf and Sport

expo" in Orlando. She has worked for international brands and labels such as SOHO, KISS underwear, Salon International, Zona Rosa, and Esteban Escobar. She has appeared in numerous TV shows like FOX Sports and on both Telemundo and TV Azteca as herself.

193. That we know of, Canas is depicted in the photos in Exhibit "PP" to promote Scores Savannah on its Twitter Page. This Image depicts Canas in a sexually suggestive outfit, and was intentionally altered to make it appear that Canas was either a stripper working at Scores Savannah, or that she endorsed the Club. This Image was published subsequent to April 2015.

194. Canas has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

195. Banx has been featured in countless men's magazines, fitness magazines, calendars, posters, lingerie catalogs, and ad campaigns nationwide, including in *FHM*, on savvy.com, and a recent cover of *America Curves Magazine*. Brooke is has just finished her biology degree and is attending medical school. She has 29,500 followers on Twitter, and 186,000 followers on Facebook.

196. That we know of, Banx is depicted in the photos in Exhibit "QQ" to promote Scores Tampa, Scores Detroit, and Scores Palm Beach on their social media pages. These Images depict Banx in a variety of sexually suggestive outfits, and each were intentionally altered to make it appear that Banx was either a stripper working at Scores Tampa, Scores Detroit, or Scores Palm Beach, or that she endorsed the one of the Clubs. It is unknown when at least one (1) of the Images of Banx was first published.

197. Banx has never been employed at any Scores Club, has never been hired to endorse any of Scores Club, has received no remuneration for Defendants' unauthorized use of

her Image, and has suffered, and will continue to suffer, damages as a result of same.

198. Hamm is an American model, actress, photograph, and business owner who has been named one of the world's most beautiful women by publications including *Maxim*, *Askmen*, *Smoking Jacket*, *Zimbio*, *Flisted*, and *Sixpacktech*. Hamm has been booked for multiple page spreads in various fitness magazines, and publications such as *Ultimate Athlete*, *American Curves*, *Planet Muscle*, and *Stun* have given Hamm more individual pictorials than any other fitness model ever. In addition, Hamm has also made appearances in mainstream magazines including *FHM* (UK and Spain editions), *Maxim*, *GQ* (Germany and South Africa), *Muscle & Fitness*, *Nuts*, *Zoo Weekly*, and *The Star*. Hamm also models for intentionally known brands, including Guess Jeans, Bebe, Lucky Brand Jeans, Becca, Alexis Vogel Cosmetics, Stila Cosmetics and Uncle Sam Clothing.

199. That we know of, Hamm is depicted in the photos in Exhibit "RR" to promote Scores Tampa on its Facebook Page. This Image depicts Hamm in a sexually suggestive outfit, and was intentionally altered to make it appear that Hamm was either a stripper working at Scores Tampa, or that she endorsed the Club.

200. Hamm has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

201. Lund is an internationally renowned Danish/Russian model, actress and designer, who has appeared in as for landed big ads for Rockstar Energy Drinks billboards that were in 20 cities all over the U.S., several covers in *FHM*, *Maxim*, and *People* Magazine, and was named one of the "Sexiest Women in the World" by *FHM*. As she continued modeling and acting, she was featured in movies with Jack Black and Tenacious D in *The Pick of Destiny*, and *Epic Movie*

with Carmen Electra. Lund has been featured in music videos for Eminem, Lady Gaga, and many other big names. She also was a spokesmodel for several brands including, Dreamgirl Lingerie clothing company for eight years, and was featured on more billboards for 138 Water Company on Sunset Drive in Los Angeles. In 2010, she starred in a popular Danish reality show about career women from Denmark "living the dream" in Los Angeles, called *Danske Hollywood Fruer*. Besides modeling and acting, she studied fashion, art and interior design. She is also working on her own pet clothing line. Lund is also an interior decorator, blogger, and endorser for several beauty companies.

202. That we know of, Lund is depicted in the photos in Exhibit "SS" to promote Scores Tampa on its Facebook Page. This Image depicts Lund in a sexually suggestive outfit, and was intentionally altered to make it appear that Lund was either a stripper working at Scores Tampa, or that she endorsed the Club.

203. Lund has never been employed at any Scores Club, has never been hired to endorse any Scores Cluyb, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

204. Weber is an internationally known model, honors graduate from the Art Institute of Dallas, and currently serves as the Director of Business Development for Harmony Medcare. As a model, Weber has been a *Playboy* Cybergirl of the Month, and has appeared in international editions of *Maxim*, *People*, and *Street Customs Magazine*, to name but a few. In her capacity as a supercross spokesmodel, Weber has appeared on the television show *The Reality of Speed*, and has likewise served as the SSI spokesmodel "Silspect Shari." Her acting credits include *Harold and Kumar 2* and *The Pool Boys*, among others.

205. That we know of, Weber is depicted in the photos in Exhibit "TT" to promote

Scores Tamp on its Twitter page. This Image depicts Weber in a sexually suggestive outfit, and was intentionally altered to make it appear that Weber was either a stripper working at Scores Tampa, or that she endorsed the Club.

206. Weber has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

207. Mayes is a well known model who has appeared in *Maxim*, *Vogue*, *Elle*, *In Style*, *Cosmopolitan*, *Marie Claire* and many other publications. On television, Mayes has appeared on *Deal or No Deal*, *Minute To Win It*, *The Tonight Show*, and *The Jay Leno Show*. Mayes has also appeared in commercial campaigns for many companies, including Coronet Diamonds, Volkswagen, Subaru, and Bacardi, and was the cover model and star of the video game, *Juiced 2: Hot Import Nights.*

208. That we know of, Mayes is depicted in the photos in Exhibit "UU" to promote Scores Tampa on its Facebook and Twitter pages. These Images, which were published ***more than fifty (50) times*** on Scores Tampa social media accounts in order to promote the "Monday Night[] Sin Hospitality Night At Scores," depict Mayes in a sexually suggestive outfit, and were intentionally altered to make it appear that Mayes was either a stripper working at Scores Tampa, or that she endorsed the Club. It is unknown when this Image of Mayes was first published.

209. Mayes has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

210. Monaco is an American model, actress, and reality TV star, and 2006 *Playboy* Playmate of the Year. Monaco was chosen as one of *Playboy's* "Sexiest Bartenders 2004,"

appeared on the cover of the August 2004 edition, and was Playmate of the Month by for June 2005. Monaco has likewise appeared in such publications as *FHM* and *Men's Fitness*, as well as many others, and on episodes of the E! reality TV series *The Girls Next Door*. Monaco has also been a contestant on the CBS reality show, *Big Brother*. She has 34,000 Instagram followers and 76,000 Twitter followers.

211. That we know of, Monaco is depicted in the photos in Exhibit "VV" to promote various Scores Clubs on their social media pages. These Images depicts Monaco in a variety of sexually suggestive outfits and were intentionally altered to make it appear that Monaco was either a stripper working at a Scores Club, or that she endorsed one of the Clubs. That we know of, and as set forth in Exhibit "VV", Monaco's stolen Image was used to promote at least Scores Tampa and Scores Palm Beach. To take just one example, the Scores Tampa Image depicts Monaco on a golf course beside copy beside the Image which reads: "Don't forget May 20th we are having our charity golf tournament! … Huge pool party afterwards".

212. Monaco has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

213. Muehlenbeck is an Australian model, lawyer, businesswoman, and spokesperson, who appeared in publications including *Maxim*, *FHM*, and *M!*. Muehlenbeck is one of Australia's most recognized social influencers, with over 800,000 social media followers and over 8.5 million likes, and devotes her time to modeling for national and international brands, including her own luxe sportswear line, Slinkii Athletic, and blogging with *Finding the Finer*, an online blog.

214. That we know of, Muehlenbeck is depicted in the photos in Exhibit "WW" to

promote Scores Jacksonville on its Facebook Page. This Image depicts Muehlenbeck in a sexually suggestive outfit, and was intentionally altered to make it appear that Muehlenbeck was either a stripper working at Scores Jacksonville, or that she endorsed the Club.

215. Muehlenbeck has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

216. Shake is a well known model with over a decade's worth of experience modeling for brands such as Chica Rica, Cool Material, and Creative Recreation. Shake has appeared in *Esquire* magazine, is the current campaign model for Affliction clothing, has appeared in national commercials for companies such as Party City, and has appeared in feature films including *Shoot 'Em Up*, *Apostles*, and *Date Night*. Shake has more than 42,000 Instagram followers.

217. That we know of, Shake is depicted in the photos in Exhibit "XX" to promote Scores Jacksonville on its Facebook Page. This Image depicts Shake in a sexually suggestive outfit, and was intentionally altered to make it appear that Shake was either a stripper working at Scores Jacksonville, or that she endorsed the Club.

218. Shake has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

219. Bowers is an American model and November 2006 *Playboy* Playmate of the Month. Bowers was Playboy's first Cyber Girl of the Week on its website in December 2005, and was thereafter named then April 2006's Cyber Girl of the Month. Ms. Bowers worked over the last few years part time for Playboy and other various model jobs but concentrated on her

home life and the care of her three children.

220. That we know of, Bowers is depicted in the photos in Exhibit "YY" to promote Scores Houston on its Twitter page. This Image depicts Bowers in a sexually suggestive outfit, and was intentionally altered to make it appear that Bowers was either a stripper working at Scores Houston, or that she endorsed the Club.

221. Bowers has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

222. Daniels is an International known DJ and model, who has graced the covers of many magazines including *American Curves Magazine*, *Heavy Metal Magazine*, *Ink Junkie Magazine*, *Outlaw Biker Magazine*, *Tattoo Magazine*, *Obscene Magazine*, *Strobe Magazine*, *Tattoos for Men*, *Lowrider Magazine*, *Rebel Ink Magazine*, *Street King Magazine*, *Tattoo Feuerwerk*, and many more. Daniels has been featured in advertising campaigns with the recording artist Snoop Dogg, and as a DJ has toured and headlined venues around throughout the United States, Asia, and the Caribbean.

223. That we know of, Daniels is depicted in the photos in Exhibit "ZZ" to promote Scores Detroit and Scores Palm Beach on their social media pages. These Images depict Daniels in a variety of sexually suggestive outfits, each of which were intentionally altered to make it appear that Daniels was either a stripper working at Scores Detroit or Scores Palm Beach, or that she endorsed the Clubs. As set forth on Exhibit "ZZ", at least one (1) Image of Daniels was published subsequent to April 2015.

224. Daniels has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

225. Cozzens is a model and actress who has appeared on commercials for Old Spice

and New Amsterdam Vodka, among others. Cozzens has modeled for campaigns with Guess, Old Spice, Grey Goose, Sephora Cosmetics, Con Air Hair Tools, Sketcher Shoes, Sandals Resort, Dodge and Pepsi, as has appeared in *Maxim*, among other magazines. In total, Cozzens has signed with 12 top agencies internationally, two of them being LA Models and LATALENT

226. That we know of, Cozzens is depicted in the photos in Exhibit “AAA” to promote Scores Palm Beach on it social media pages. This Image depicts Cozzens in a sexually suggestive outfit, and was intentionally altered to make it appear that Cozzens was either a stripper working at Scores Palm Beach, or that she endorsed the Club.

227. Cozzens has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants’ unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

228. Golden is a world renowned model, and successful businesswoman, who has appeared in modeling campaigns for a variety of high profile clients, including Abercrombie & Fitch, Victoria’s Secret, Lucy Sport, Coca-Cola, GAP, and Nike, and on the covers of numerous magazines, including the *New York Times*, *Fitness*, *Newport Beach Magazine*, *Yoga International*, and many others. Golden has also appeared in dozens of commercials, and television and film projects. In addition, Golden maintains her own website, www.jessegolden.com, where she aims to empower people through the sharing of her “Golden Secrets” concerning health, wellness and yoga. She also writes for a variety of other magazines and website, and has her own fitness and yoga brand and products. These expanding business interests are in addition to Golden’s continued work as a model for many notable fashion brands.

229. That we know of, Golden is depicted in the photo in Exhibit “BBB” to promote Scores Palm Beach on its social media pages. This Image depicts Golden in a sexually

suggestive outfit, and was intentionally altered to make it appear that Golden was either a stripper working at Scores Palm Beach, or that she endorsed the Club. The date on which this Image of Golden was first published is unknown.

230. Golden has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

231. Hipwell is an Australian model and reality TV contestant and personality who has appeared on the cover of more than 20 magazines, including *Zoo Weekly*, *FHM*, and *Ralph*. Hipwell has appeared in the videogame *Need for Speed: ProStreet*, the Australian *Big Brother* series, the reality show *It Takes Two*, was a regular guest on the BigPond GameArena *Benny and Ritchie* show, as well as tthe long running series *Packed to the Rafters*. In addition to her modeling and acting career, Hipwell also owns an extremely successful building and renovations company Future Flip (www.futureflip.com.au).

232. That we know of, Hipwell is depicted in the photo in Exhibit "CCC" to promote Scores Harvey on its social media pages. This Image depicts Hipwell in a sexually suggestive outfit, and was intentionally altered to make it appear that Hipwell was either a stripper working at Scores Harvey, or that she endorsed the Club.

233. Hipwell has never been employed at any Scores Club, has never been hired to endorse any Scores Club, has received no remuneration for Defendants' unauthorized use of her Image, and has suffered, and will continue to suffer, damages as a result of same.

Defendants' Business

234. Upon information and belief, Scores Holding is a publicly traded company which is the owner of the "Scores" name, brand and trademark, and owns all intellectual property rights relating to same. Upon information and belief, Scores Holding licenses the Scores name, brand and trademark to strip clubs throughout the United States, and in the Dominican Republic.

235. As set forth on its website located at www.scoresholding.com, Scores Holding represents that "[t]he Scores name is one of the most recognizable names in adult entertainment" and "intends to maximize the value of the brand through licensing the Scores name to top-tier adult nightclubs that can meet its stringent quality-of-experience criteria and financial parameters as well as other licensing opportunities in media and merchandising …." Upon information and belief, Scores Holding sets, dictates and/or advises all Scores licensees, including all other corporate defendants that own the Scores Clubs, on advertising, including social media advertising.

236. As detailed above, the Scores Clubs share illegally procured images of Plaintiffs for the purposes of advertising the Clubs on traditional and social media.

237. The fact that these Clubs are part of the same enterprise is made clear by the fact that they are all advertised on the Scores Holding Website.

238. Further, as detailed on the Scores Holding Website, it is Scores Holding that controls the website development and social media marketing for all Scores Clubs nationwide. To wit:

> Our full SCORES™ package is considered to be the best licensing offer that our market has to offer, if you qualify to operate as a SCORES™ club you will receive the following benefits and advantages
>
> **Website Development**: We develop state of the art websites which are mobile responsive. We have our marketing staff constantly update the website with new

> information and new promotional deals at request of club. The websites are HTML5 mobile responsive which means the website can be seen in high quality on any mobile device imaginable.
>
> **Social Media Campaign**: Our marketing team will start an aggressive social media campaign for Twitter, Facebook, Instagram etc. We will optimize your posts and make sure that your social media will be constantly updated and growing to all time highs. We have come up with a winning strategy that will take your social media to the next level
>
> **Artwork**: We provide artwork for any of your needs; We create state of the art graphics for poster, flyers, passes, VIP cards, social network heading, emails and press release etc.

(Exhibit B).

239. As set forth above, the "aggressive social media" campaign implemented for each Scores Club by Scores Holding includes the theft, alteration and publication of Plaintiffs' Images in order to promote the Scores Clubs on the Clubs' Twitter, Facebook, and Instagram accounts.

240. In addition, Scores Holding presents itself as responsible for the training of employees of the Scores Clubs. To wit:

> **Staff Training**: We provide state-of-the-art training manuals to be used by your staff. We also send out a representative to review your club and give you tips and advice on how to operate your club at a fully effective level.

(Exhibit B).

Scores New York

241. Upon information and belief, I.M. Operating operates Scores New York, where it engages in the business of selling alcohol and food in an atmosphere were nude and/or semi-nude women entertain the business' clientele.

242. Upon information and belief, and in furtherance of its promotion of Scores New York, I.M. Operating owns, operates and controls the Scores New York website, as well as the Scores New York Facebook, Twitter, and Instagram accounts.

243. I.M. Operating uses the Scores New York webpage, and the Scores New York Facebook, Twitter, and Instagram accounts, to promote Scores New York, and to attract patrons thereto.

244. I.M. Operating does this for its own commercial and financial benefit.

245. I.M. Operating has used, advertised, created, printed and distributed the Images of Plaintiffs, as further described and identified above, in order to create the false impression with potential clientele that these Plaintiffs either worked as a strippers at Scores New York, or endorse same.

246. I.M. Operating used Plaintiffs' Images, and created the false impression that they worked at or endorsed Scores New York, in order to receive certain benefits therefrom, including but not limited to: monetary payments; increased promotional, advertising, marketing, and other public relations benefits; notoriety; publicity; as well as an increase in business revenue, profits, proceeds, and income.

247. As I.M. Operating was at all times aware, at no point has any of the above named Plaintiffs ever been affiliated with or employed by Scores New York, and at no point have any of the Plaintiffs ever endorsed Scores New York.

248. All of I.M. Operating's activities, including its theft of Plaintiffs' Images, and publication of same, were done without the knowledge or consent of Plaintiffs, and I.M. Operating did not compensate Plaintiffs for its use of their Images.

249. As such, Plaintiffs have never received any benefit for I.M. Operating's use of their Images.

The Executive Club

250. Upon information and belief, defendant The Executive Club owns and operates the Penthouse Executive Club, where it engages in the business of selling alcohol and food in an atmosphere were nude and/or semi-nude women entertain the business' clientele.

251. Upon information and belief, and in furtherance of its promotion of the Penthouse Executive Club, The Executive Club owns, operates and controls the the Penthouse Executive Club website, as well as the Penthouse Executive Club Facebook, Twitter, and Instagram accounts.

252. The Executive Club uses the Penthouse Executive Club webpage, and the Penthouse Executive Club Facebook, Twitter, and Instagram accounts, to promote the Penthouse Executive Club, and to attract patrons thereto.

253. The Executive Club does this for its own commercial and financial benefit.

254. The Executive Club has used, advertised, created, printed and distributed the Images of Plaintiffs, as further described and identified above, in order to create the false impression with potential clientele that these Plaintiffs either worked as a strippers at The Executive Club, or endorse same.

255. The Executive Club used Plaintiffs' Images, and created the false impression that they worked at or endorsed the Penthouse Executive Club, in order to receive certain benefits therefrom, including but not limited to: monetary payments; increased promotional, advertising, marketing, and other public relations benefits; notoriety; publicity; as well as an increase in business revenue, profits, proceeds, and income.

256. As The Executive Club was at all times aware, at no point has any of the above named Plaintiffs ever been affiliated with or employed by the Penthouse Executive Club, and at

no point have any of the Plaintiffs ever endorsed the Penthouse Executive Club.

257. All of The Executive Club's activities, including its theft of Plaintiffs' Images, and publication of same, were done without the knowledge or consent of Plaintiffs, and The Executive Club did not compensate Plaintiffs for its use of their Images.

258. As such, Plaintiffs have never received any benefit for The Executive Club's use of their Images.

Standard Business Practices in the Modeling Industry

259. It is common knowledge in the modeling industry that the hiring of a model for a commercial purpose involves a particularized methodology and process.

260. The fee that a professional model, such as each of the Plaintiffs, will receive is negotiated by her agency, and involves consideration of, without limitation, at least the following factors: a) the reputation, earning capacity, experience, and demand of that particular model; b) the location where the photo shoot takes place, and the length thereof; c) where and how the images are going to be used by the client (*e.g.*, company website, social media, television commercials, billboards or posters), known as "usage"; and, d) the length of time (known as the "term") the rights to use the photos will be assigned. Most licenses to use a model's image are for 1, 2, or 3 year terms; but almost never is there a "lifetime" term.

Defendant's Theft of Plaintiff's Images

261. As detailed above, Defendants knowingly, and without the prior consent of any of the Plaintiffs, invaded Plaintiffs privacy by using Plaintiffs Images for commercial purposes in order to promote their Clubs by and through various marketing and promotional mediums including, without limitation, the Clubs' Websites, Twitter, Facebook, and Instagram.

262. Defendants showcased Plaintiffs' Images on the Clubs' Websites in order to

create the false impression that Plaintiffs worked at one or more of the Clubs, or endorsed one or more of the Clubs.

263. Defendants did so in order to attract clientele to their Clubs, promote their Clubs, and thereby generate revenue for Defendants.

264. Defendants were aware that, by using Plaintiffs' Images, they were violating Plaintiffs' right to privacy, Plaintiffs' right of publicity, and creating a false impression to potential customers that Plaintiffs worked at and/or endorsed one or more of the Clubs.

265. Plaintiffs allege that any improper or unauthorized use of their Images substantially injures their careers. This is especially so insofar as each of Plaintiffs' Images have been associated with a strip club, and the implication of Defendants' use of Plaintiffs' Images is that they are each strippers.

266. At no point were any of the Plaintiffs ever affiliated with any of the Clubs, or Defendants.

267. Each of Plaintiffs' Images was used without her consent.

268. At no point was any Plaintiff ever contacted by any Defendant, or any representative of any of the Defendants, to request the use of any of Plaintiffs' Images.

269. No Defendant ever obtained, either directly or indirectly, permission to use any of Plaintiffs' Images.

270. No Defendant ever paid any Plaintiff for its use of her Images on any promotional materials, including the Clubs' Websites, Twitter, Facebook, or Instagram accounts.

271. Defendants used Plaintiffs' Images without their consent, and without providing remuneration, in order to permanently deprive each of the Plaintiffs of her right to use her Images.

272. Upon information and belief, Defendants have taken the foregoing actions with the intent of causing irreparable harm to each of the Plaintiffs.

FIRST CAUSE OF ACTION
(Violation of §43 of the Lanham Act, 15 U.S.C. §1125 *et seq*.: False Endorsement)

273. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

274. The provisions of the Lanham Act, 215 U.S.C. §1125, *et seq***.** apply to Defendants, and protect Plaintiffs from the conduct described herein.

275. Defendants used Plaintiffs Images in order, *inter alia*, in order to create the false impression with the public that Plaintiffs either worked at one or more of the Clubs, or endorsed one of more of the Clubs.

276. This was done to promote and attract clientele to the Clubs, and thereby generate revenue for the Defendants.

277. Thus, this was done in furtherance of Defendants' commercial benefit.

278. Despite the fact that Defendants were at all times aware that Plaintiffs neither worked at, nor endorsed, the Clubs, Defendants nevertheless used Plaintiffs Images in order to mislead potential customers as to Plaintiff's employment at and/or affiliation with the Clubs.

279. Defendants knew that their use of Plaintiffs' Images would cause consumer confusion as to Plaintiffs' sponsorship and/or employment at the Clubs.

280. Upon information and belief, Defendants use of Plaintiffs' Images did in fact cause consumer confusion as to Plaintiffs employment at and/or endorsement of the Clubs, and the goods and services provided by the Clubs.

281. Due to Defendants unauthorized use of Plaintiffs' Images in order to create a false

endorsement prohibited by section 43 of the Lanham Act, Plaintiffs has been damaged in an amount to be determined at trial, but in all events not less than seventy five thousand dollars ($75,000), exclusive of punitive and exemplary damages.

SECOND CAUSE OF ACTION
(Violation of N.Y. Civ. Rights Law §§ 50-51)

282. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

283. As set forth herein, Defendants have violated N.Y. Civil Rights Law §§ 50-51 by invading Plaintiffs' privacy, misappropriating their likeness, and publishing on the Clubs' websites or related social media accounts altered Images of Plaintiffs which made it appear as though Plaintiffs were employed at one or more of the Clubs, or endorsed one or more of the Clubs.

284. At all relevant times, the Clubs' websites and social media accounts were used and operated by Defendants for advertising and trade purposes.

285. The Clubs' websites and social media accounts were designed to attract business to the Clubs and generate revenue for Defendants.

286. Upon information and belief, Defendants use of Plaintiffs' Images did in fact attract clientele and generate business for the Clubs.

287. At no point did any Defendant ever receive permission or consent, be it written or otherwise, to use any Plaintiffs' Image on their website or social media account.

288. Defendants were at all relevant times aware that they never received any Plaintiffs' permission or consent to use their Images on any website or social media account, or on any other medium, in order to promote the Clubs.

289. At no point did Defendants ever compensate Plaintiffs for its use of their Images.

290. No applicable privilege or authorization exists for Defendants' use of Plaintiffs' Images.

291. Due to Defendants' violation of Plaintiffs' rights of privacy and publicity under sections 50 and 51 of the N.Y. Civil Rights Act, Plaintiffs has been damaged in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars ($75,000.00), exclusive of punitive and exemplary damages.

292. In addition, and pursuant to section 51 of the N.Y. Civil Rights Act, Plaintiffs hereby requests an Order permanently enjoining Defendants from violating Plaintiffs' right to privacy and publicity.

293. In addition, and likewise pursuant to section 51 of the N.Y. Civil Rights Act, Plaintiffs hereby request an award of punitive damages, in an amount to be determined at trial, due to Defendants knowing and intentional violation of their statutory rights to privacy and publicity.

THIRD CAUSE OF ACTION
(Violation of N.Y. General Business Law § 349:
N.Y. Deceptive Trade Practices Act)

294. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

295. Defendants operated the Clubs' websites and social media accounts in order to promote the Clubs, to attract clientele thereto, and to thereby generate revenue for Defendants. As such, Defendants' operation of the websites and social media accounts, and their publication of Images thereon, was consumer-oriented in nature.

296. Defendants published Plaintiffs' Images on the Clubs' websites and social media accounts in order to create the false impression that Plaintiffs were either strippers working at the

Clubs, or endorsed the Clubs.

297. As such, Defendants' intent in publishing Plaintiffs' Images was to mislead the public as to Plaintiffs' employment at and/or affiliation with the Clubs.

298. As Defendants were at all times aware, Plaintiffs never worked at any of the Clubs, never endorsed any of the Clubs, and never had any affiliation with any of the Clubs.

299. Defendants publication of Plaintiffs' Images was done without any Plaintiffs' consent and was misleading in a material respect because it created the impression that Plaintiffs were strippers working at the Clubs, or endorsed the Clubs.

300. As a result of Defendants' unauthorized and misleading publication of Plaintiffs' Images on their Club websites and social media accounts, each of the Plaintiffs' reputations was injured, and each of the Plaintiffs' ability to market herself as a model was injured.

301. As a result of Defendants' unauthorized and misleading use of Plaintiffs' Images, Plaintiffs have been injured in an amount to be determined at trial, but in all events in an amount not less than seventy-five thousand dollars ($75,000), exclusive of punitive and exemplary damages.

FOURTH CAUSE OF ACTION
(Defamation)

302. Plaintiffs hereby repeat and reallege each and every allegation set forth in the preceding paragraphs as if fully set forth herein.

303. As detailed throughout this Complaint, Defendants have published altered, misappropriated Images of Plaintiffs in order to promote the Clubs to the general public and potential clientele.

304. Defendants' publication of said Images constitutes a representation to the public that: a) Plaintiffs were strippers, who were employed as such at one or more of the Clubs; b)

Plaintiffs endorsed the activities and behavior of the Clubs, the Club owners, and/or the strippers who were employed by the Clubs; or, c) Plaintiffs had some other affiliation with the Clubs, the Club owners, and/or the strippers who were employed at the Clubs.

305. None of these representations were true.

306. In publishing Plaintiffs' altered Images, it was Defendants' intention to create a false impression to the general public that: a) Plaintiffs were strippers, who were employed as such at one or more of the Clubs; b) Plaintiffs endorsed the activities and behavior of the Clubs, the Club owners, and/or the strippers who were employed by the Clubs; or, c) Plaintiffs had some other affiliation with the Clubs, the Club owners, and/or the strippers who were employed at the Clubs.

307. Defendants were at least negligent in publishing Plaintiffs' Images, because they knew, or should have known, that Plaintiffs were not strippers employed by the Clubs, had no affiliation with the Clubs or the activities therein, did not endorse the Clubs or the activities therein, had not consented to the use of their Images, and had not been compensated for the use of their Images.

308. In the alternative, Defendants published the Images of Plaintiffs with actual malice, because they knew that Plaintiffs were not strippers employed by the Clubs, had no affiliation with the Clubs or the activities therein, did not endorse the Clubs or the activities therein, had not consented to the use of their Images, and had not been compensated for the use of their Images.

309. Despite Defendants' knowledge and awareness of these facts, they nevertheless made the decision to publish Plaintiffs' misappropriated Images for the purpose of attracting clientele to the Clubs and generating revenue for themselves.

310. Defendants' publication of Plaintiffs' Images constitutes defamation under New York law because said publication falsely accuses Plaintiff of having acted in a manner -- *i.e.*, working as a stripper and/or endorsing a strip club -- which would subject each Plaintiff to hatred, shame, obloquy, contumely, odium, contempt, ridicule, aversion, ostracism, degradation, or disgrace, and/or could induce an evil opinion of Plaintiffs in the minds of right-thinking persons, and/or could deprive each Plaintiff of confidence and friendly intercourse in society.

311. Defendants' publication of Plaintiffs' Images likewise constitutes defamation *per se* under New York law because said publication would tend to injure each Plaintiff in her trade, business, and profession as a professional model.

312. This is because any company or brand that sought to hire any of the Plaintiffs as a company or brand representative would be less likely to do so upon learning that she was either: a) a professional stripper, who worked at one of the Clubs; or, b) promoting a strip club, which are at least two (2) inferences supported by Defendants' publication of Plaintiffs' Images.

313. Defendants' publication of Plaintiffs' Images likewise constitutes defamation *per se* under New York law because, insofar as said publication falsely portrays each of the Plaintiffs as a stripper, it imputes unchastity to her.

314. Defendants' publication of Plaintiffs' Image' caused Plaintiffs to suffer damages in an amount to be determined at trial, but in all events in an amount not less than seventy five thousand ($75,000), exclusive of punitive and exemplary damages.

DEMAND FOR JURY TRIAL

315. Plaintiffs demand trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request Judgment in their favor and against Defendants as follows:

(a) For actual damages, in an amount to be determined at trial, but in all events not less than seventy-five thousand dollars ($75,000.00), relating to Plaintiffs' first through eighth causes of action;

(b) For an order permanently enjoining Defendants from using Plaintiffs' Images to promote the Clubs;

(c) For punitive damages, in an amount to be determined at trial;

(d) For all costs and attorneys' fees incurred by Plaintiffs in the prosecution of this Action;

(e) For such other and further relief as the Court may deem just and proper.

Dated: New York, New York
January 19, 2016

THE CASAS LAW FIRM, P.C.

By: /s/ John V. Golaszewski
John V. Golaszewski, Esq.
1745 Broadway, 17th Floor
New York, New York
T: 855.267.4457
F: 855.220.9626

By: /s/ Joseph N. Casas
Joseph N. Casas, Esq. (CASB 225800)
402 West Broadway Suite 400
San Diego, California 92101
T: 855.267.4457
F: 855.220.9626
**pro hac vice application to be filed*

Attorneys for Plaintiffs